

CLERK OF COURT
U.S. DISTRICT COURT
SAN JUAN, P.R.
SEP 06 2022 AM 9:00

United States District Court
For the Puerto Rico District

PROMESA TITLE III

No 17 BK 3283 (L T S)

(Jointly Administered)

This Filing Relates to the
Commonwealth and ERS

EURIPIDES DEL VILLAR ROSARIO

ILKA V CARBO RODRIGUEZ

Plaintiffs-

V

THE COMMONWEALTH OF PUERTO RICO, et al

Represented by

THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO
RICO, as Representative for the Commonwealth of Puerto Rico; THE FINANCIAL
OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, as
Representative for the Puerto Rico Highways and Transportation Authority; THE
FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, as
Representative for the Puerto Rico Electric Power Authority (PREPA);

THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO
RICO, as Representative for the Puerto Rico Sales Tax Financing Corporation, a/k/a
COFINA; THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR
PUERTO RICO, as Representative for the Employees Retirement System of the
Government of the Commonwealth of Puerto Rico; THE FINANCIAL OVERSIGHT
AND MANAGEMENT BOARD FOR PUERTO RICO, as Representative of the
Puerto Rico Public Buildings Authority,

Debtors.

Defendant

Statutes violated in the case

Civil Rico Act by Jury Trial

Title VI VII of the Civil Rights Act of 1968,

Title I, Title II of the Americans with Disabilities Act,

42	42 U.S.C. § 12101 et. seq., (“ADA”)	42 U.S.C. § 12101(a)(1)
43	42 U.S.C. § 12101(a)(2)	42 U.S.C. § 12101(a)(3)
44	42 U.S.C. § 12101(a)(4)	42 U.S.C. § 12101(a)(5)
45	42 U.S.C. § 12101(a)(6)	42 U.S.C. § 12101(a)(7)
46	42 U.S.C. § 12101(a)(8)	42 U.S.C. § 12101(b)(1)
47	42 U.S.C. § 12101(b)(2)	42 U.S.C. § 12101(b)(3)
48	42 U.S.C. § (2);(3);	42 U.S.C. § 12101(b)(4)
49	42 U.S.C. § 1981	42 U.S.C. § 1982
50	42 U.S.C. § 1983	42 U.S.C. § 1984
51	42 U.S.C. § 1985	

52 **Amendments**

53	1 st ;Amendment et seq.	4 th ;Amendment et seq.
54	5 th ;Amendment et seq.	6 th ;Amendment et seq.
55	7 th ;Amendment et seq.	8 th ;Amendment et seq.
56	13;Amendment et seq.	14 th ;Amendment et seq.

57	Section 504	Section 1
58	Spending Clause Art 1 sec 8 Cl 1	9 th Amendment
59		Section 5
60	Human rights;	Race:
61	Age;	Religious Believes;
62	National origin	Others
63	Church Arson	Equal Access Act, 20 U.S.C. 4071 <i>et seq</i>
64	Civil Rights Act of 1964, Titles III, IV, VI & VII	

65 42 U.S.C. 2000b-2000e *et seq.* Civil Rights Act of 1964,
66 Title VII, 42 U.S.C. 2000d- 42 U.S.C. 2000d-7(a)(1)

67

68

69 1- Time Extension Motion

70 2- Based on Failure to Received

71 3- Notice of Service in the Passed

72 And late Service of 10 Days Before the Due Date to Respond

73 the Omnibus 508 Objection Book

74 While Petition and not Rendered by the Court Designated

75 Parties in Charge to Deliber Said Missing Notices

76 The Law Firm or Agency

77 4- Partial List of Constitutional Question to be

78 Certified as Challenged by Omission of Defendants

79

80

81 COMES NOW Euripides Del Villar Rosario , from now on as (E d V R) Ilka V

82 Carbo Rodriguez (I V C R) Single Class as individual A D A Act individual

83 protected Class as medically certified as identified and all Similarly Individuals as

84 affected by the case in similar legal situation as a Class of Individuals in the Class

85 or a single Class of individuals protected by the U S A Constitution and the ADA

86 Act to be represented by interventions of the DOJ USA in support of. . .

87 Citizen of ONE OF the United States of America and A one Class Handicapped

88 Individual (hereinafter “**plaintiffs**”) having already exercised its statutory right to

89 intervene in the instant case, pursuant to 28 U.S.C. 2403(a) -- to provide formal

90 notice to all interested parties, and to demand mandatory judicial notice by this

91 Court,

92 COMES NOW Euripides Del Villar Rosario,)(E d V R) Ilka V Carbo

93 Rodriguez (I V C R) and all Similarly Individuals as affected by the case in similar

94 legal situation as a Class of Individuals in the Class or a single Class of individuals

95 protected by the U S A Constitution and the ADA Act to be represented by

96 interventions of the DOJ USA in support of. . . Plaintiffs in the above

97 entitled case, U S A Citizen, and Federal Witness, to provide

98 formal Notice to this honorable Court, and to all interested

99 Party(s), that after exhaustion brings this case

Partial Constitutional Question List to be Certified

Constitutional Question for certification

Challenging the Constitutionality of the

ADA Act

Whether the U S A may disparate discriminate an American U S A citizen by living in the Protectorate territory If not what are the requisites to receive the antidiscrimination protection as oppose to Individuals with Disabilities Education Act (I DEA) A D A Act on Spending Clause purposes To receive their original pension as accrued by monthly monetary deduction protected by ERISA law as well the execution of private forfeiture and seizures of private property by not act of felony executed or accounted . See Nieves Marques v Puerto Rico 353 F.3d 108,128 (1st Cir.2003) Constitution's Uniformity Clause stem from Article 1, § 8 Cl.1. and against Marbury v Madison doctrine

If the Answer is not then the Federal Crimes Committed in Puerto Rico are local crimes and the Federal processes is void and unconstitutional in the U S A constitution and constitutional in Puerto Rico or unconstitutional in both Constitution as well

1- Plaintiffs requests a time extension of 30 days to be granted by the Honorable Presiding Judge in accord to the Rules of Civil Procedures and after the receiving of the last 20 court motions presented by the THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, as Representative for the Commonwealth of Puerto Rico; and or any other motion document attachments and or exhibits presented to the case affecting the general class as named and mentioned in the 508 omnibus objection requesting dismiss of any individual or single individual affected and or mentioned or not mentioned by lack of noticed of serviced or intentionally and or neglect to do the accorded service required to comply with any passed or pending court order due that the mail is in jeopardy and inclusive had been robbed intentionally and caused that a mail fraud and or mail robbery for identity theft if that is the case had been reported to U S P S police at U S P S main offices in the passed

2- Time extension to present any pending document in relation to this case well be for lack of incomplete presentation due to the late delivery of the 508 Omnibus Objection and any other objection as a matter of right in accord to the civil rules of procedures to comply with the case the court and the constitutional protection that encompasses the presentation

3- The following citations are in support of the motion for time extension and the facts disclosed the order and objection requesting dismiss of the individuals of the class in the objection are miss informed and not duly

serviced in the case are lacking the opportunity in a
myriad of circumstances . . .are being deprived of
constitutional rights and civil rights warranted by the
human rights as well the motion to object where the 508
omnibus objection presentation is or are still missing to
be received by all the class of individuals affected
constitutes process malice and or discrimination lacking
discovery that all class had been duly serviced and by the
Prime supervisor to comply in sending the requires
information to answer appropriately places in disadvantage
the general Class of individuals affected and or single
Class of individuals in violation of the Rules of Fed. civ.
Pro. Constituting denial of access to the court and the
case management plaintiffs presentation to the court to
request access. . . The following citations confirm in
support of the above expressed and the Statutes listed in
accord to specific issues and legal facts *Theatre*
Enterprises, Inc. v. Paramount Film Distributing Corp., 346 U.
S. 537 (1954), must accept as true all of the factual
allegations contained in the complaint.
Swierkiewicz v. Sorema N. A., 534 U. S. 506, 508, n. 1
(2002); see *Overstreet v. North Shore Corp.*, 318 U. S. 125,
127 (1943). See 9 W. Holdsworth, *History of English Law*
324-327 (1926). Rule 8(a)(2) of the Federal Rules requires

that a complaint contain a short and plain statement of the claim showing that the pleader is entitled to relief. See Fed. Equity Rule 25 requiring a short and simple statement of the ultimate facts upon which the plaintiff asks relief, omitting any mere statement of evidence. Weinstein & Distler, Comments on Procedural Reform: Drafting Pleading Rules 57 Colum. L. Rev. 518, 520-521 (1957). See also Cook, Statements of Fact in Pleading Under the Codes, 21 Colum. L. Rev. 416, 417 (1921) (hereinafter Cook) See 5 C. Wright & A. Miller, Federal Practice and Procedure §1216, p. 207 (3d ed. 2004) (hereinafter Wright & Miller) to differentiate conclusions from ultimate facts *Gulfstream Aerospace Corp. v. Mayacamas Corp.*, 485 U.S. 271, 283 (1988). *Hickman v. Taylor*, 329 U.S. 495, 501 (1947); *Thomson v. Washington*, 362 F. 3d 969, 970 (CA7 2004) (Posner, J.) ("The federal rules replaced fact pleading with notice pleading"). *Conley v. Gibson*, 355 U. S. 41 (1957), where has been cited and distinguished to decide *SEC v. Zandford*, 535 U. S. 813, 818 (2002); *Davis v. Monroe County Bd. of Ed.*, 526 U. S. 629, 654 (1999); *Hartford Fire Ins. Co. v. California*, 509 U. S. 764, 811 (1993); *Brower v. County of Inyo*, 489 U. S. 593, 598 (1989); *Hughes v. Rowe*, 449 U. S. 5, 10 (1980) (*per curiam*); *McLain v. Real Estate Bd. of New Orleans*,

191 *Inc.*, 444 U. S. 232, 246 (1980); *Estelle v. Gamble*, 429 U.
192 S. 97, 106 (1976); *Hospital Building Co. v. Trustees of Rex*
193 *Hospital*, 425 U. S. 738, 746 (1976); *Scheuer v. Rhodes*, 416
194 U. S. 232, 236 (1974); *Cruz v. Beto*, 405 U. S. 319, 322
195 (1972) (*per curiam*); *Haines v. Kerner*, 404 U. S. 519, 521
196 (1972) (*per curiam*); *Jenkins v. McKeithen*, 395 U. S. 411,
197 422 (1969) (plurality opinion); see also *Cleveland Bd. of*
198 *Ed. v. Loudermill*, 470 U. S. 532, 554 (1985) (Brennan, J.,
199 concurring in part and dissenting in
200 part); *Hoover v. Ronwin*, 466 U. S. 558, 587 (1984) (Stevens,
201 J., dissenting); *United Air Lines, Inc. v. Evans*, 431 U. S.
202 553, 561, n. 1 (1977) (Marshall, J.,
203 dissenting); *Simon v. Eastern Ky. Welfare Rights*
204 *Organization*, 426 U. S. 26, 55, n. 6 (1976) (Brennan, J.,
205 concurring in judgment). *Leimer v. State Mut. Life Assur.*
206 *Co. of Worcester, Mass.*, 108 F. 2d 302 (CA8 1940), Rules
207 8(a)(2), 12(b)(6), 12(e) (motion for a more definite
208 statement), and Rule 56 *Dioguardi v. Durning*, 139 F. 2d 774
209 (CA2 1944), the *pro se* plaintiff See, e.g., *EB Invs.*,
210 *LLC v. Atlantis Development, Inc.*, 930 So. 2d 502, 507 (Ala.
211 2005); *Department of Health & Social Servs. v. Native*
212 *Village of Curyung*, 151 P. 3d 388, 396 (Alaska
213 2006); *Newman v. Maricopa Cty.*, 167 Ariz. 501, 503, 808
214 P. 2d 1253, 1255 (App. 1991); *Public Serv. Co. of*

Colo. v. Van Wyk, 27 P. 3d 377, 385-386 (Colo. 2001) (en banc); Clawson v. St. Louis Post-Dispatch, LLC, 906 A. 2d 308, 312 (D. C. 2006); Hillman Constr. Corp. v. Wainer, 636 So. 2d 576, 578 (Fla. App. 1994); Kaplan v. Kaplan, 266 Ga. 612, 613, 469 S. E. 2d 198, 199 (1996); Wright v. Home Depot U. S. A., 111 Haw. 401, 406, 142 P. 3d 265, 270 (2006); Taylor v. Maile, 142 Idaho 253, 257, 127 P. 3d 156, 160 (2005); Fink v. Bryant, 2001-CC-0987, p. 4 (La. 11/28/01), 801 So. 2d 346, 349; Gagne v. Cianbro Corp., 431 A. 2d 1313, 1318-1319 (Me. 1981); Gasior v. Massachusetts Gen. Hospital, 446 Mass. 645, 647, 846 N. E. 2d 1133, 1135 (2006); Ralph Walker, Inc. v. Gallagher, 926 So. 2d 890, 893 (Miss. 2006); Jones v. Montana Univ. System, 337 Mont. 1, 7, 155 P. 3d 1247, ____ (2007); Johnston v. Nebraska Dept. of Correctional Servs., 270 Neb. 987, 989, 709 N. W. 2d 321, 324 (2006); Blackjack Bonding v. Las Vegas Munic. Ct., 116 Nev. 1213, 1217, 14 P. 3d 1275, 1278 (2000); Shepard v. Ocwen Fed. Bank, 361 N. C. 137, 139, 638 S. E. 2d 197, 199 (2006); Rose v. United Equitable Ins. Co., 2001 ND 154, ¶10, 632 N. W. 2d 429, 434; State ex rel. Turner v. Houk, 112 Ohio St. 3d 561, 562, 2007-Ohio-814, ¶5, 862 N. E. 2d 104, 105 (per curiam); Moneypenney v. Dawson, 2006 OK 53, ¶2, 141 P. 3d 549, 551; Gagnon v. State, 570 A. 2d 656, 659 (R. I. 1990); Osloond v. Farrier, 2003 SD 28,

¶4, 659 N. W. 2d 20, 22 (per curiam); *Smith v. Lincoln Brass Works, Inc.*, 712 S. W. 2d 470, 471 (Tenn. 1986); *Association of Haystack Property Owners v. Sprague*, 145 Vt. 443, 446, 494 A. 2d 122, 124 (1985); *In re Coday*, 156 Wash. 2d 485, 497, 130 P. 3d 809, 815 (2006) (en banc); *Haines v. Hampshire Cty. Comm'n*, 216 W. Va. 499, 502, 607 S. E. 2d 828, 831 (2004); *Warren v. Hart*, 747 P. 2d 511, 512 (Wyo. 1987); see also *Malpiede v. Townson*, 780 A. 2d 1075, 1082-1083 (Del. 2001) (permitting dismissal only "where the court determines with reasonable certainty that the plaintiff could prevail on no set of facts that may be inferred from the well-pleaded allegations in the complaint" (internal quotation marks omitted)); *Canel v. Topinka*, 212 Ill. 2d 311, 318, 818 N. E. 2d 311, 317 (2004) (replacing "appears beyond doubt" in the *Conley* formulation with "is clearly apparent"); *In re Young*, 522 N. E. 2d 386, 388 (Ind. 1988) (per curiam) (replacing "appears beyond doubt" with "appears to a certainty"); *Barkema v. Williams Pipeline Co.*, 666 N. W. 2d 612, 614 (Iowa 2003) (holding that a motion to dismiss should be sustained "only when there exists no conceivable set of facts entitling the non-moving party to relief"); *Pioneer Village v. Bullitt Cty.*, 104 S. W. 3d 757, 759 (Ky. 2003) (holding that judgment on the pleadings

should be granted "if it appears beyond doubt that the nonmoving party cannot prove any set of facts that would entitle him/her to relief"); *Corley v. Detroit Bd. of Ed.*, 470 Mich. 274, 277, 681 N. W. 2d 342, 345 (2004) (*per curiam*) (holding that a motion for judgment on the pleadings should be granted only " 'if no factual development could possibly justify recovery' "); *Oberkramer v. Ellisville*, 706 S. W. 2d 440, 441 (Mo. 1986) (en banc) (omitting the words "beyond doubt" from the *Conley* formulation); *Colman v. Utah State Land Bd.*, 795 P. 2d 622, 624 (Utah 1990) (holding that a motion to dismiss is appropriate "only if it clearly appears that [the plaintiff] can prove no set of facts in support of his claim"); *NRC Management Servs. Corp. v. First Va. Bank-Southwest*, 63 Va. Cir. 68, 70 (2003) ("The Virginia standard is identical [to the *Conley* formulation], though the Supreme Court of Virginia may not have used the same words to describe it"). *Krause v. Rhodes*, 471 F. 2d 430, 433 (CA6 1972). were guilty of wanton, wilful and negligent conduct *Leatherman v. Tarrant County Narcotics Intelligence and Coordination Unit*, 507 U. S. 163 (1993). pleading requirements beyond their appointed limits and why the defendant-official cannot successfully maintain the defense of immunity." Rules 8(a)(2) and 9(b) to combat discovery

abuse; *Swierkiewicz*, 534 U. S., at 511. Rule 8(a)(2) does not contemplate a court's passing on the merits of a litigant's claim at the pleading stage. See *Matsushita Elec. Industrial Co. v. Zenith Radio Corp.*, 475 U. S. 574 (1986). Dismissals prior to giving the plaintiff ample opportunity for discovery should be granted very rarely. *Hospital Building Co. v. Trustees of Rex Hospital*, 425 U. S. 738, 746 (1976) (quoting *Poller v. Columbia Broadcasting System, Inc.*, 368 U. S. 464, 473 (1962)); see also *Knuth v. Erie-Crawford Dairy Cooperative Assn.*, 395 F. 2d 420, 423 (CA3 1968) *United States v. Classic*, 313 U. S. 299, 313 U. S. 328, constitutional rights *Twining v. New Jersey*, 211 U. S. 78, 211 U. S. 101, due process *Snyder v. Massachusetts*, 291 U. S. 97, 291 U. S. 105, Bill of Rights *Palko v. Connecticut*, 302 U. S. 319, 302 U. S. 325, scheme of ordered liberty *Betts v. Brady*, 316 U. S. 455, 316 U. S. 462. due process *United States v. Cohen Grocery Co.*, 255 U. S. 81, 255 U. S. 89 and punished all acts detrimental to the public interest when unjust and unreasonable in the estimation of the court and jury *Ellis v. United States*, 206 U. S. 246, 206 U. S. 257 intentionally breaks the law in the only sense in which the law ever considers intent And see *District of Columbia*, 254 U. S. 135, 254 U. S. 137; *Nash v. United States*, 229 U. S. 373, 229 U. S. 377.

Under that test, a local law enforcement officer violates § 20 and commits a federal offense for which he can be sent to the penitentiary if he does an act which some court later holds deprives a person of due process of law. (*Ashcraft v. Tennessee*, 322 U. S. 143); *Murdock v. Pennsylvania*, 319 U. S. 105 *cf. Powell v. Alabama*, 287 U. S. 45 with *Betts v. Brady*, *supra* *Thornhill v. Alabama*, 310 U. S. 88 *Board of Education v. Barnette*, 319 U. S. 624 consistently favored that interpretation of legislation which supports its constitutionality. *Ashwander v. Tennessee Valley Authority*, 297 U. S. 288, 297 U. S. 348; *Labor Board v. Jones & Laughlin Steel Corp.*, 301 U.S. 1, 301 U.S.30; *Anniston Mfg. Co. v. Davis*, 301 U. S. 337, 301 U. S. 351-352. See Cong.Globe, 41st Cong., 2d Sess., pp. 3807-3808, 3881. Flack, The Adoption of the Fourteenth Amendment (1908), pp. 19-54, 219, 223, 227; *Hague v. CIO*, 307 U. S. 496, 307 U. S. 510. It derives from § 2 of the Civil Rights Act of April 9, 1866. 14 Stat. 27. See *United States v. Classic*, 313 U. S. 299, 313 U. S. 327, note 10. "That any person who, under color of any law, statute, ordinance, regulation, or custom, shall subject, or cause to be subjected, any inhabitant of any State or Territory to the deprivation of any right secured or protected by this act, or to different punishment, pains, or penalties on account

of such person having at any time been held in a condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, or by reason of his color or race, than is prescribed for the punishment of white persons, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or both, in the discretion of the court."

4- Wherefore Plaintiffs requests this honorable court to grant the time extensions as requested and the necessary time to present partial objection to the 508 Omnibus Objection while pending the delivery of the unreceived documents and notices as well to present other documents as necessary to advance the claims while any other court protection be granted as necessary as sua sponted. Be this court informed that the death rate of suicides and deaths derived by the emotional pressure causing heart attacks surpasses the rate of 5 individuals regularly (on account that are proximate cause of house and mortgage loss for pension low income) and it is the Commonwealth duty to inform this court of said statistics

In Propria Persona.

In his own person; himself; as the Plaintiff appeared in *propria persona*; the plaintiff presents the cause in *propria persona*.

VERIFICATION

I, Euripides Del Villar Rosario, *Sui Juris*, Plaintiff in the above entitled action, hereby verify under penalty of perjury, under the laws of the **United States of America**, without the "**United States**" (federal government), that the above statement of facts and laws is true and correct, according to the best of My current information, knowledge, and belief, so help me God, pursuant to 28 U.S.C. 1746(1).

Dated: September 5th, 2022 A.D.

Signed: /s/ Euripides Del Villar Rosario

c/o

Ilka V Carbo Rodriguez

Printed: Euripides Del Villar Rosario,

Ilka V Carbo Rodriguez

B.A., M.S., *Sui Juris*

Plaintiffs *In Propria Persona* (not "Pro Se")

PROOF OF SERVICE

we, Euripides Del Villar Rosario, Ilka V Carbo Rodriguez

Sui Juris, hereby certify, under penalty of perjury, under the laws of the **United States of America**, without the "**United States**" (federal government), that I am at least 18 years of age, a Citizen of ONE OF the **United States of America**, and that I personally served the following document(s):

By placing one true and correct copy of said document(s) Certified or in first class United States Mail, with postage prepaid and properly addressed to the following: otherwise electronically or hand delivered or by email through their Law Firm and or Lawyer

Clerk's of Court (3 copies)
U S D C P R
United States District Court
Puerto Rico
Clerk's Office
150 Ave. Carlos Chardon Ste 150
San Juan P.R 00918-1767

Dated: September 5th, 2022 A.D.

Signed: /s/ Euripides Del Villar Rosario

Ilka V Carbo Rodriguez

Printed: Euripides Del Villar Rosario, Plaintiff *In Propria Persona*
(not "Pro Se" [sic])

Mailing Address

Euripides Del Villar Rosario

C/O

426 Ilka V Carbo Rodriguez

427 P.O.Box 363585

428 United States U S A

429 San Juan 00936-3585 P.R